

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7463**

**BILL NUMBER:** SB 499

**NOTE PREPARED:** Jan 27, 2011

**BILL AMENDED:** Jan 28, 2011

**SUBJECT:** Lake Superior Court County Division.

**FIRST AUTHOR:** Sen. Landske

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**      **GENERAL**  
                                 **DEDICATED**  
                                 **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill provides for the four judges of the Lake Superior Court County Division to be: (1) nominated by the Lake County Superior Court Judicial Nominating Commission and appointed by the Governor; and (2) subject to the question of retention or rejection by the Lake County electorate every six years. (Current law provides that the judges of the Lake Superior Court County Division are elected by the electorate of Lake County every six years.) It repeals provisions concerning elected judges of the county division. It also makes conforming amendments.

**Effective Date:** June 30, 2011; July 1, 2011.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Lake County Superior Court Judicial Nominating Commission* – New expenditures should be minimal for Lake County since the judges of the 12 other superior courts in Lake County are already selected through the existing Lake County Judicial Nominating Commission. The members of the commission are not paid, but can be reimbursed for actual expenses incurred in performing their duties.

*Workload Distribution* – Under current law, the superior courts can establish rules to alter the number of judges assigned to the civil and criminal divisions but not to the county division. This bill would permit courts to also be assigned to the county division of the superior court or for judges from the county division to be assigned to either the criminal or civil divisions as well.

The Indiana Supreme Court's weighted caseload methodology compares each court's estimated workload with its judicial officers through a ratio, called the utilization rate. The utilization rates of Lake County courts shown below are based on CY 2009 filings. Their utilization rates range from 39% below the statewide average of 1.35 to 15% above the state average. Death penalty cases were filed in three of the criminal courts, explaining the reason for lower utilization rates in those courts.

<b>Court Name</b>	<b>Need</b>	<b>Have</b>	<b>Utilization</b>	<b>Percent Above and Below State Average</b>
Lake Circuit	4.91	3.40	1.45	107%
Lake Superior , Civ. 1	1.02	1.20	0.85	63%
Lake Superior , Civ. 2	1.70	1.20	1.42	105%
Lake Superior , Civ. 3	2.56	3.00	0.85	63%
Lake Superior , Civ. 4	1.02	1.20	0.85	63%
Lake Superior , Civ. 5	0.82	1.00	0.82	61%
Lake Superior , Juv. Div.	10.07	6.50	1.55	115%
Lake Superior , County 1	2.79	2.00	1.4	104%
Lake Superior , County 2	3.74	2.80	1.34	99%
Lake Superior , County 3	3.46	2.60	1.33	99%
Lake Superior , Civ.6	0.98	1.00	0.98	73%
Lake Superior , Civ. 7	0.99	1.00	0.99	73%
Lake Superior , County 4	2.16	1.40	1.55	115%
Lake Superior , Crim. 1	1.46	1.30	1.13	84%
Lake Superior , Crim. 2	1.44	1.30	1.11	82%
Lake Superior , Crim. 3	1.50	1.30	1.16	86%
Lake Superior , Crim. 4	1.49	1.30	1.14	84%
<b>Statewide</b>	<b>597.59</b>	<b>442.15</b>	<b>1.35 *</b>	<b>100%</b>
* Statewide Utilization is an average. Statewide "Need" and "Have" figures represent statewide totals.				

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Lake County Judicial Nominating; Commission, Lake Superior Courts.

**Information Sources:** IC 33-33-45-27; *Indiana Judicial Report 2009*.

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